

Message Text

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PAGE 01 STATE 142840
ORIGIN EB-08

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
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FM SECSTATE WASHDC
TO AMEMBASSY ROME PRIORITY

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E.O. 11652: N/A

TAGS: EAIR, IT

SUBJECT: CIVAIR; CIVILAVIA INQUIRY ABOUT US CHARTER RULES

REF: (A) ROME 9016 (B) ROME 10048 (C) ROME 10350

1. US CHARTER DEFINITIONS HAVE EVOLVED VIA CAB RULE
MAKING PROCESS AND RESULT IN A RANGE OF CHARTER

TYPES, BOTH TOUR AND NON-TOUR RELATED, WITH WHICH
DR. LIOI IS VERY FAMILIAR. NOTE: RECENTLY PROPOSED
CAB RULE FOR "PUBLIC CHARTERS" (REF B) WOULD GREATLY
SIMPLIFY US CHARTER REGULATIONS AND ELIMINATE
MOST SEPARATE US CHARTER CATEGORIES (COPIES POUCHED).

2. FOREIGN AIRLINES AUTHORIZATION TO ENGAGE IN AIR
TRANSPORTATION BETWEEN THE UNITED STATES AND OTHER
COUNTRIES IS CONTAINED IN A LICENSE (FOREIGN-AIR
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PAGE 02 STATE 142840

CARRIER-PERMIT) ISSUED BY THE CAB AND APPROVED BY
THE PRESIDENT. LICENSES ISSUED TO SCHEDULED AIRLINES
FOR SCHEDULED AIR SERVICES HAVE HISTORICALLY ALSO
INCLUDED AUTHORITY FOR CHARTER SERVICES. LICENSES
ISSUED TO FOREIGN CHARTER-ONLY AIRLINES ARE CONFINED
TO CHARTER AUTHORITY ONLY.

3. USG RELIES PRIMARILY ON BROAD AUTHORIZATIONS
UNDER BASIC LICENSE RATHER THAN ONE FLIGHT-BY-FLIGHT

APPROVAL. WITHIN PERMIT AUTHORITY, FOREIGN AIRLINES
MAY USUALLY OPERATE CHARTERS FREELY WITHOUT
RESTRICTION OR PRIOR FILING REQUIREMENTS. SOME
FOREIGN AIRLINES ARE RESTRICTED IN OPERATING "OFF-
ROUTE" CHARTERS BUT ONLY BECAUSE THEIR GOVERNMENT
RESTRICTS US AIRLINES OPERATIONS. ALSO, FOR CONSUMER
PROTECTION REASONS, TOUR-RELATED CHARTER TYPES MUST
MAKE PRIOR FILING OF PROSPECTUS OR PROGRAM DESCRIPTION
WITH CAB.

4. IN NO CASE DO US CHARTER REGULATIONS PROVIDE
FOR PROTECTION OF US SCHEDULED AIRLINES' SERVICES
FROM COMPETITION BY CHARTERS OPERATING OVER THE
LATTER'S ROUTE SYSTEM. VANCE

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